

REMARKS

The Applicants would like to thank Examiner Chaney and Examiner Ruthkosky for the courtesies they extended to Applicants' representative during a phone interview on July 24, 2002.

The Examiner mailed a Final Office Action on June 6, 2002. In the Final Office Action, the Examiner rejected Claims 1-6 as being anticipated by Kuribayashi et al. ("Battery Characteristics with Various Carbonaceous Materials," *Journal of Power Sources* 54 (1995) 1-5) ("Kuribayashi").

To the extent that this rejection applies to the amended claims, the Applicants respectfully traverse the rejection.

Although Kuribayashi discloses carbonaceous materials having a core-shell structure, Kuribayashi fails to disclose a carbonaceous active material having a crystalline graphite core and an amorphous graphitizable carbon shell coating derived from coal pitch, petroleum pitch, coal-based oil, or heavy oil. Since Kuribayashi fails to disclose the requirements of amended Claim 1, Applicants respectfully request withdrawal of the rejection of independent Claim 1.

Claims 2-6 depend from Claim 1. As such, the rejected dependent claims are not anticipated for at least the same reasons as their respective independent claims.

In the Office Action, the Examiner rejected Claims 1-6 under 35 U.S.C. §102(e) as being anticipated by Liu et al. (U.S. Patent No. 5,908,715) ("Liu").

To the extent this rejection applies to the amended claims, the Applicants respectfully traverse the rejection. Liu teaches a graphite core that has been provided with a surface layer including a non-graphitizable carbonaceous material. Applicants' amended Claim 1 requires an amorphous graphitizable carbon shell coating derived from an amorphous carbon precursor selected from the group consisting of coal pitch, petroleum pitch, coal-based oil, and heavy oil. Since Liu does not disclose an amorphous carbon precursor selected from the group consisting of coal pitch, petroleum pitch, coal-based oil, and heavy oil as required by Applicants' amended Claim 1, Applicants respectfully request that the Examiner withdraw the rejection to amended Claim 1.

Claims 2-6 depend from Claim 1. As such, the rejected dependent claims are not anticipated for at least the same reasons as their respective independent claim.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Office believes that a telephone conference would be useful in moving the application forward to allowance, the Office is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date

8/2/02


Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box AF, Washington, D.C. 20231 on August 5, 2002

Nedy Caldeira
Name

Date

8/5/2002

Attachment: VERSION WITH MARKINGS TO SHOW CHANGES MADE

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IN THE CLAIMS

The claims have been amended as follows.

1. (Five Times Amended) A carbonaceous active material comprising:
at least one crystalline graphite core; and
an amorphous graphitizable carbon shell coating the outside of the crystalline graphite core wherein a differential thermal analysis conducted on the carbonaceous active material in 10°C increments per minute starting from room temperature and proceeding to 1000°C at atmospheric pressure results in the displaying of at least two exothermic peaks overlapping to form shoulders, and the amorphous graphitizable carbon shell coating is derived from an amorphous carbon precursor solution selected from the group consisting of coal pitch, petroleum pitch, coal-based oil, and heavy oil.